



## MONTANA STATE HOSPITAL POLICY AND PROCEDURE

### TEMPORARY LEAVE TO COURT CUSTODY

**Effective Date:** January 14, 2008

**Policy: #** AD-07

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**I. PURPOSE:** To provide for temporary release of a patient for court proceedings.

**II. POLICY:** Admission to and discharge from Montana State Hospital is regulated by Montana Statute. MSH patients are often involved in legal proceedings to determine their status. MSH patients may be released temporarily to the custody of court for civil or criminal court proceedings. Local law enforcement officers or emergency responders in the local jurisdiction will ordinarily provide transportation. If after thirty (30) days a patient remains in the custody of the court, the patient will be discharged from the Hospital in accordance with Policy #AD-02, *Discharge from Hospital*. The patient may be readmitted by order of the court. Leave for court custody will not extend beyond thirty (30) days.

**III. DEFINITIONS:**

Temporary Leave for Court Custody – An absence from the hospital for the purpose of court proceedings in a civil or legal matter where the patient is expected to return to MSH for further care and treatment.

**IV. RESPONSIBILITIES:**

Health Information Department – To track patients on leave for court custody and to notify the psychiatrist or other licensed prescriber that the patient will be discharged when a leave extends beyond thirty (30) days.

Psychiatrists and other licensed prescribers – to discharge patients when leave extends beyond thirty (30) days and to complete responsibilities related to discharge.

Medical Director – to provide an order for discharge if the assigned psychiatrist or other licensed prescriber is not available and if a covering prescriber is unable to give the order. In this instance, the Medical Director will assign the discharge summary and related tasks to another member of the Medical staff.

**V. PROCEDURE:**

1. The Health Information Department will track the date that a patient was placed on leave for temporary court custody (TCC). When the individual has been on leave for thirty (30) consecutive days, the department will notify the last treating psychiatrist or other licensed prescriber and ask them to write an order for discharge. In the event

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that the treating psychiatrist or other prescriber is not available, the person providing coverage will provide the order. If they are unable to do so, the Medical Director will be contacted to provide the order for discharge.

2. When a patient leaves for a court proceeding, the Hospital will provide all pertinent information to the court or to staff from the transporting agency. This includes information about mental status, physical health status, medications, behavior, and risk of suicide, assault, elopement, or other significant risks.
3. Whenever possible, personal possessions belonging to the patient will be sent with the transporting officers or other transporting agency. If this cannot be done, MSH will make other arrangements to return property to the custody of the patient or the patient's designated representative with information to be documented in the clinical record.
4. MSH will provide transporting authorities with a prescription for medication required by people on leave to court custody. When there is no other alternative and it is reasonable to do so, up to three (3) days of medication may be provided from the Hospital pharmacy.

**VI. REFERENCES:** MSH Policy #AD-02, *Discharge from Hospital*

**VII. COLLABORATED WITH:** Medical Staff; Admission Coordinator; Health Information Director

**VIII. RESCISSIONS:** None, new policy

**IX. DISTRIBUTION:** All hospital policy manuals

**X. REVIEW AND REISSUE DATE:** January, 2011

**XI. FOLLOW-UP RESPONSIBILITY:** Director of Health Information

**XII. ATTACHMENTS:** None

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Ed Amberg  
Hospital Administrator

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Thomas Gray, M.D.  
Medical Director

Date